

LYON, Roy
Appl. No. 10/510,603
March 30, 2007

AMENDMENTS TO THE DRAWINGS

The attached new sheet of drawings includes new Figure 5.

Attachment: New Sheet

REMARKS/ARGUMENTS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

Claim 37 was objected to under 35 USC 112, first paragraph, as failing to comply with the enablement requirement. Applicant respectfully traverses this rejection. However, to advance prosecution, reference to the tagging gun has been deleted from claim 37. Reconsideration and withdrawal of the rejection of claim 37 is solicited.

The drawings were objected to as failing to show the tagging gun. Figure 5 has been added to this application. Figure 5 illustrates a conventional, prior art tagging gun known from, e.g., U.S. Patent No. 6,971,515. A conventional tagging gun such as that disclosed in the '515 patent may be used to secure an attachment provided according to the invention to an article. No new matter has been added by the addition of Figure 5 because Figure 5 illustrates a prior art structure and thus does not add invention disclosure to this application. Those skilled in the art would readily appreciate how the attachment of the invention could be secured to an article using a conventional tagging gun such as illustrated in Figure 5. In view of the foregoing, reconsideration and withdrawal of the objection to the drawings is solicited.

Claims 30-33, 35 and 36 were rejected under 35 USC 102(e) as being anticipated by Wada. Claim 34 was rejected under 35 USC 103(a) as being unpatentable over Wada. Applicant respectfully traverses these rejections.

Claim 30 has been amended above to include the features of previously presented dependent claim 31 and claim 31 has been canceled. Similar amendments have been made to claims 35, 38, 39 and 40.

The invention is concerned with the fixing of tags to various articles using a tagging gun. One of the preferred embodiments is an attachment for attaching a price

tag to an article of clothing. It is preferred to allow the price tag to be only loosely attached to the article of clothing, so that the price tag itself can have a limited range of movement with respect to that article of clothing. Known attachments have a cross bar and a terminal member connected via a filament, the entire attachment being formed on one step by injection molding. However, this leads to problems. A significant problem is that the cross bar and terminal member must be rigid enough to retain the tag to the article of clothing. However, the filament must necessarily be formed on the same material (due to the single injection molding step) and so is similarly rigid.

As explained in the disclosure, the present inventor has overcome this problem by replacing the prior art filament with a limp flexible cord formed from twisted fibre strands, the core being without resilient tendency to return to an original position. This provides a superior attachment because the flexible cord allows the attachment to feel more comfortable, e.g., when a customer is trying on an article of clothing in a store.

Wada '895 does not disclose in combination an attachment having a cross-shaped member or a T-shaped member, having a down bar and a cross bar, in which a cord is secured to the down bar. For these reasons at least, claim 30 is not anticipated by Wada.

Furthermore, for the reasons explained below, Wada also does not disclose an attachment using a limp cord and without resilient tendency to return to an initial position.

A particular advantage of the cord being limp and without resilient tendency to return to an initial position can be seen by considering a person trying on a garment for size. If a price tag is attached to the garment using a conventional attachment, the rigidity or resilient of the attachment can cause discomfort and irritation. In contrast, using an attachment according to the present invention, such problems are avoided, since the limpness and lack of resilience of the cord allows the price tag to hang more naturally with the garment. The result is that neither the attachment nor the price tag

will cause a significant level of discomfort or irritation. This advantage is explained in the application itself.

Wada discloses a security tag that uses a magnetic marker to allow theft detection and the like. In Wada, filamentous coupling portion 4 connects either male 2 and female 3 portions (see Figures 1-15), a cross bar 2G and head 3B (see Figures 16 and 17) or alternative end members (see Figures 18-21). Figure 2 shows the construction for the filamentous coupling portion 4 in detail. A core material 40a is enclosed with a cover material 44. A heat welding yarn 45 is interposed between the core material 40a and the cover material 44. Subsequently, fusing of the heat welding yarn links the cover material and the core material, to prevent the core material from being exposed. As shown in Figure 2a and 2c, the core material 40a may be enclosed with a core yarn 42. The core material contains a magnetic fiber 41, as shown in Figures 2a, b and c. With the magnetic fiber 41, a semi-rigid magnetic fiber 43 is contained in the core.

Wada does not discuss the rigidity of the filamentous coupling portion. However, it will be clear to the skilled person that the filamentous coupling portion must have at least some rigidity, for the following reasons:

- the magnetic fiber 41 can cause damage to the fingers or goods if exposed (see paragraphs 0034 and 0061), so it must be rigid enough to be able to cause such damage;
- the provision of the cover material to avoid this damage must increase the rigidity of the coupling portion
- the incorporation of a semi-rigid magnetic fiber into the core, by definition, must increase the rigidity of the arrangement
- the fusing of the heat welding yarn must also increase the rigidity of the coupling portion.

Thus, the attachments disclosed in Wada have the disadvantage that the filamentous portion has too great a rigidity to provide a comfortable fit when a person is trying on a garment for size.

It would not have been obvious for the skilled artisan to modify the product of Wada in order to provide a limp flexible cord without resilient tendency to return to an initial position. This is because Wada itself sets out the requirements of the filamentous coupling portion 4. There is no evidence that the skilled person would consider modifying the Wada attachment because there is no evidence that there are difficulties with the Wada attachment. In other words, the present invention can be seen to reside, in part, in the identification of a difficulty with conventional attachments that had, at the time the invention was made, not been previously identified or addressed.

For all the reasons advanced above, the invention claimed is not anticipated by nor obvious from Wada.

Claims 38-46 were rejected under 35 USC 103(a) as being unpatentable over Wada in view of Derringer and Kato. Applicant respectfully traverses this rejection.

These claims are submitted to be patentable over Wada for the reasons advanced above. The Examiner's further reliance on Derringer and Kato does not overcome the deficiencies of Wada. In this regard, Derringer requires that the fastener be formed by molding the entire fastener from plastic. The filamentous portion of Derringer is therefore not a limp cord as required by applicant's claim 30.

Kato suggests that the filament must be between 50cm and 1m in length. Kato also suggests (column 3, lines 34-46) that his invention works suitably when the filament is formed from a stretched monofilament of molded thermoplastic material. Thus, Kato does not discuss any advantage associated with limp materials, so that the skilled artisan would not be motivated by Kato to modify Wada so as to produce the claimed invention. Furthermore, as can be seen from the Kato drawings, the function

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of fastener of Kato is for the molded plastic end members of the fastener to attach to each other so as to form a loop fastener. This is a different type of attachment to the cross-shaped or T-shaped member attachment as required according applicant's preferred embodiment.

The remaining claims are submitted to be patentable over the cited art by virtue of their dependence on claim 30 and incorporation of the features thereof.

Attached is a Form PTO/SB/08a listing the attached documents for consideration by the Examiner. Copies of the non-US patent publications are attached.

The Rule 17(p) Official Fee (\$180) required by Rule 97(c) in lieu of certification is filed herewith. Should that fee be missing or inadequate, please charge the deficiency to our Deposit Account No. 14-1140 under Order No. 620-340.

This Information Disclosure Statement is intended to be in full compliance with the rules, but should the Examiner find any part of its required content to have been omitted, prompt notice to that effect is earnestly solicited, along with additional time under Rule 97(f), to enable Applicant to comply fully.

Consideration of the foregoing and enclosures plus the return of a copy of the herewith Form PTO/SB/08a with the Examiner's initials in the left column per MPEP 609 are earnestly solicited.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited.

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Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

Michelle N. Lester

Reg. No. 32,331

MNL:slj
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100